

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BAKERY AND CONFECTIONERY UNION
AND INDUSTRY INTERNATIONAL
PENSION FUND, et al.,

Plaintiffs,
-against-

GES BAKE SHOP, INC., d/b/a Strauss,

Defendant.
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MEMORANDUM AND ORDER
No. 13-CV-728 (FB) (CLP)

Appearances:

For the Plaintiff:

ELISE S. FELDMAN, ESQ.
PATRICIA MCCONNELL, ESQ.
MELISSA S. WOODS, ESQ.
Meyer Suozzi English & Klein, P.C.
1350 Broadway, Suite 501
New York, NY 10018

BLOCK, Senior District Judge:

On March 6, 2014, Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation (“R&R”) recommending that plaintiffs’ motion for default judgment be granted and that judgment be entered against defendant Ges Bake Shop, Inc. in the total amount of \$237,597.93, as follows:

- (i) \$211,760 in unpaid withdrawal liability;
- (ii) \$14,406.93 in interest on the unpaid amount;
- (iii) \$2,117.60 in liquidated damages;
- (iv) \$8,646.00 in attorney’s fees; and
- (v) \$667.40 in costs.

The R&R that “[a]ny objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within fourteen

(14) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court's order." R&R at 20-21. A copy of the R&R was served on defendants on March 6, 2014. To date, no objections have been filed.

Where, as here, clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R & R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

As no error appears on the face of Magistrate Judge Pollak's R&R, the Court adopts it without *de novo* review. Accordingly, the Court directs the Clerk to enter judgment against defendant, Ges Bake Shop, Inc., in favor of plaintiffs in the amount of \$237,597.93. Post-judgment interest shall accrue pursuant to 28 U.S.C. § 1961.

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 21, 2014